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April 20, 2008

FAX TO: Deputy Commissioner of Patents, **Peggy Focarino**  
FROM: **William Rogers, Ph.D.**  
Reference Patent Application # 10/627,286  
"Electromagnetic Brain Animation"  
[[www.BehaviorResearch.org](http://www.BehaviorResearch.org)]

Dear Ms Focarino:

This is only to make you peripherally aware of the situation. Certified mail is forthcoming. Hopefully we can rectify this situation before our little company goes under.

Everything in an 'abandonment' notification we received today is incorrect and completely without foundation. How our work could be treated in such a manner after nearly five [5] years of continued attention to all details to make sure this 'worst case scenario' could not possibly occur is totally incomprehensible.

Nothing was late; all was received in more than a timely manner. It was USPTO that lost our timely return of corrected claims and then found them 6 months later and then only after we had called to inquire to our concern. The whole history of this folly is recorded both on the patent PAIRS site and elsewhere. I personally reminded and warned Mr. John Lacyk both by phone and by fax at least a dozen times to be sure and not forget what really, actually happened and don't just put 'late' in the files not knowing what you're talking about.

Directly or indirectly, USPTO is responsible for our small company to go from 38 employees to presently five [5]! Over the past five years we have invested and lost contracts awarded to us in the amount of \$3,800,000.

Thank goodness everything is well documented and easily verifiable; but even so, how can USPTO make such an important and derogatory determination without any communication with us at all. We, of course, contacted Mr. Lacyk on more than 30 different occasions over the past five years just to make sure all was going correctly. Mr. Lacyk did not initiate contact with us even once over that same period of time. And when we do go through this 'correction' process and all is made proper again; why in the world should we have to pay a large extra amount of funds your USPTO's numerous mistakes. It simply boggles the mind.

All necessary documentation will be forthcoming shortly.

**Bill**

William Rogers, Ph.D.  
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Member:

Monday, March 24, 2008 AOL: BehaviorResearch